UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

AUG 18 2010

Mr. Mike Jewell
Chief of Regulatory Division
U.S. Army Corps of Engineers
Sacramento District
1325 J. Street, Room 1480
Sacramento, CA 95814-2922

Subject: Draft Environmental Impact Statement (DEIS) for Sunridge Properties in the Sunridge Specific Plan (Project), City of Rancho Cordova, and Sacramento County, California. (CEQ# 20100241)

Dear Mr. Jewell:

The U.S. Environmental Protection Agency (EPA) has reviewed the DEIS for Sunridge Properties pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

Based on our review, we have rated the DEIS as *Environmental Concerns – Insufficient Information* (EC-2) (see enclosed "*Summary of Rating Definitions*"), due primarily to our concerns regarding the possible adverse impacts of construction related emissions on air quality. In addition, we recommend that the project incorporate green building design and low impact development principles and practices. With regard to protection of aquatic resources, EPA supports the framework developed in the Conceptual Strategy as a tool to evaluate alternatives in project-specific assessments. We look forward to working with the Corps and all of the stakeholders in using that tool to achieve sustainable resource protection in the project area in compliance with Federal regulations.

EPA appreciates the United States Army Corps of Engineers' (USACE) coordination to date, and the opportunity to provide input on this DEIS. When the FEIS is released, please send one hard copy and two CDs to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3521, or contact James Munson, the lead reviewer for this project. James can be reached at (415) 972-3800 or munson.james@epa.gov.

Sincerely,

Kathleen M. Goforth, Manager
Environmental Review Office

Enclosures: EPA Summary of Rating Definitions
EPA Detailed Comments

ENVIRONMENTAL PROTECTION AGENCY'S DETAILED COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE SUNRIDGE PROPERTIES IN THE SUNRIDGE SPECIFIC PLAN, AUGUST 18, 2010

Air Quality

The Project area is located within the jurisdiction of the Sacramento Metropolitan Air Quality Management District (SMAQMD) and is designated as a moderate nonattainment area for particulate matter of 10 micrometers (PM-10), and a severe 8-hour ozone nonattainment area, pursuant to National Ambient Air Quality Standards (NAAQS).

The FEIS should clarify whether or not the project is in conformance with applicable state air quality implementation plans (SIPs). EPA's General Conformity rule [40 CFR part 93, subpart B, and 40 CFR Part 51, Subpart W, approved into the California State Implementation Plans (SIPs) on April 23, 1999 (see 64 FR 19916), hereafter cited as 40 CFR Part 93] establishes an applicability test for determining which Federal actions are subject to the conformity requirement. If a proposed action would result in emissions increases less than identified de minimis thresholds, then no conformity determination need be made. If emissions from a proposed action would exceed the de minimis threshold for any given maintenance or nonattainment pollutant (or precursor), then the Federal Agency must make a positive conformity determination for that pollutant(s) on the basis of one of the criteria listed in 40 CFR 93.158.

The DEIS does not identify the total air emissions related to the preferred alternative or the other alternatives. Although the DEIS discusses project emissions being over SMAQMD's significance thresholds, and applying the District's mitigation measures, the DEIS does not identify the resulting total emissions. As a federal entity, the Corps is subject to requirements of U.S. EPA's General Conformity Rule (GCR). Although that rule is not required to be implemented in the context of a DEIS/FEIS, we nonetheless believe that it would serve the Corps' purpose to explain whether the Corps believes that the emissions from the preferred alternative are below the GCR de minimis level. If the project emissions are over the de minimis level, the requirements of the rule could have a substantial effect on the project's emissions levels and those effects should be discussed in the FEIS.

EPA supports incorporating mitigation strategies to reduce or minimize fugitive dust emissions, as well as emission controls for PM and ozone precursors for construction-related activity. All applicable State and local requirements and the additional and/or revised measures listed below should be included in the FEIS in order to reduce impacts associated with ozone precursors, PM, and toxic emissions from construction-related activities.

Recommendations:

The FEIS should clarify what effect the SMAQMD's required mitigation measures, *California Environmental Quality Act (CEQA),* and the federal General Conformity Rule have on the

project, in particular what the total amount of emissions are projected to be under the preferred alternative.

The federal General Conformity regulations underwent major revisions that are currently in effect. The revisions removed the 10% regionally significant applicability threshold; therefore, we recommend removing that part of the applicability discussion on page 3.4-4. Note that the citation at the bottom of that page should include a period to read "40 CFR 93.153".

We recommend that the conformity discussion in section 3.4 include a list of the de minimis thresholds that apply to Sacramento County, and an analysis of the project's preferred alternative with respect to those thresholds.

Due to the serious nature of the PM_{10} and 8-hour ozone conditions in the Sacramento Valley Air Basin, EPA recommends that the best available control measures (BACM), all applicable requirements under local rules, and the following additional measures be implemented at all times and incorporated into the FEIS, a Construction Emissions Mitigation Plan, and the Record of Decision:

Fugitive Dust Source Controls:

- Stabilize open storage piles and disturbed areas by covering and/or applying water or chemical/organic dust palliative where appropriate. This applies to both inactive and active sites, during workdays, weekends, holidays, and windy conditions.
- Install wind fencing, and phase grading operations, where appropriate, and operate water trucks for stabilization of surfaces under windy conditions.
- When hauling material and operating non-earthmoving equipment, prevent spillage, and limit speeds to 15 miles per hour (mph). Limit speed of earth-moving equipment to 10 mph.

Mobile and Stationary Source Controls:

- Reduce use, trips, and unnecessary idling of heavy equipment.
- Maintain and tune engines per manufacturer's specifications to perform at California Air Resources Board (CARB) and/or EPA certification levels, where applicable, and to perform at verified standards applicable to retrofit technologies. Employ periodic, unscheduled inspections to limit unnecessary idling and to ensure that construction equipment is properly maintained, tuned, and modified consistent with established specifications. CARB has a number of mobile source anti-idling requirements. See their website at: http://www.arb.ca.gov/msprog/truck-idling/truck-idling.htm
- Prohibit any tampering with engines and require continuing adherence to manufacturer's recommendations
- If practicable, lease new, clean equipment meeting the most stringent of applicable Federal or State Standards.

- Utilize EPA-registered particulate traps and other appropriate controls where suitable, to reduce emissions of diesel particulate matter and other pollutants at the construction site.

Administrative controls:

- Identify all commitments to reduce construction emissions and incorporate these reductions into the air quality analysis to reflect additional air quality improvements that would result from adopting specific air quality measures. Identify where mitigation measures are deemed to be not implementable due to economic infeasibility, and provide comparable determinations for similar projects as justification for this decision.
- Prepare an inventory of all equipment prior to construction, and identify the suitability of add-on emission controls for each piece of equipment before groundbreaking. (Suitability of control devices is based on: whether there is reduced normal availability of the construction equipment due to increased downtime and/or power output, whether there may be significant damage caused to the construction equipment engine, or whether there may be a significant risk to nearby workers or the public.) Meet CARB diesel fuel requirement for off-road and on-highway (i.e., 15 ppm), and, where appropriate, use alternative fuels such as natural gas and electric.
- Develop a construction traffic and parking management plan that minimizes Identify sensitive receptors in the project area, such as children, elderly, and infirm, and specify the means by which you will minimize impacts to these populations. For example, locate construction equipment and staging zones away from sensitive receptors and fresh air intakes to buildings and air conditioners.

Page 3.4-2 of the DEIS contains errors which should be corrected in the FEIS, as follows:

- In Table 3.4-1, replace: "Non-Attainment, Classification = Serious (8-hour Standard)", with "Non-Attainment, Classification = Severe (8-hour Standard)". Note that the area's 8-hour ozone classification changed from serious to severe, effective June 4, 2010.
- Also in Table 3.4-1, regarding ozone, you may wish to add: "The County is a federal severe 1-hour ozone nonattainment area." Note that although the County is nonattainment for the 1-hour ozone NAAQS, that NAAQS has been revoked and does not apply to the area for General Conformity purposes.
- On Page 3.4-2, in the paragraph preceding Table 3.4-1, the text states that the air district "must" request an attainment designation. This is incorrect. If the intent here is to indicate that, although the area has clean data, it remains designated as nonattainment until it requests redesignation and meets several other Clean Air Act redesignation criteria, including submittal of a maintenance plan, EPA supports that distinction and recommends that "The District must request redesignation to attainment and submit a maintenance plan" be replaced with: "Although monitoring data show the area is attaining the PM-10 NAAQS, the

District remains nonattainment for PM-10 until EPA approves a redesignation to attainment request from the State." Please note that, regardless of the above statement, as a nonattainment area, Sacramento County is subject to general conformity for PM-10. This would still be the case as a PM-10 attainment maintenance area.

- We also recommend that the text of the sentence preceding the above be amended to indicate the PM-10 air quality beyond 2003, up to the present, or perhaps to refer the reader to the subsequent air monitoring discussion in the document.
- Revise the same paragraph to indicate that the state's reclassification ("bump-up") request of the area to severe has been acted upon by EPA. The area (including Sacramento County) is severe nonattainment for the 1997 ozone NAAQS, effective June 4, 2010.
- Finally in that paragraph, the last sentence describes a boundary for the federal PM2.5 NAAQS. We have already acted on that boundary recommendation and designated all areas of the nation as meeting or not meeting the 2006 PM2.5 NAAQS. We recommend revising the sentence to read, "Sacramento County is also part of a larger area that has been designated by EPA as nonattainment for the 2006 PM2.5 NAAQS", or something to that effect.

Green Building

EPA commends the applicant's commitment to ensure that all residential, commercial, and public buildings meet the minimum "15% reduction in operational related (long-term) emissions, consistent with General Plan," (page 3.4-17); however we have concerns regarding the timeline for meeting these standards in light of the changes that may occur over the long lifespan of this project. In addition, although the DEIS describes mitigation measures as "including a provision for mixed uses, transit accessibility, bicycle and pedestrian improvement and participation in a Transportation Management Association"(page 3.4-17), very little is included regarding policies and actions such as green building design to reduce impacts to Air Quality.

Recommendations:

If there is likely to be a long delay between permit application submittal and approval, EPA recommends the FEIS commit to building designs that operate at 15% or better than standards at the time of *permit approval* rather than when the project permit applications are filed.

The FEIS should include commitments to maximize the use of green building design and to obtain Leadership in Energy and Environmental Design (LEED) certification. For information on green building, please contact USEPA Residential Green Building Coordinator Leif Magnuson, EPA at (415) 972-3286 or by email at magnuson.leif@epa.gov. EPA also recommends that the Corps and project proponent work with the Sacramento Municipal Utility Distict (SMUD) to ensure that the latest

technology available is incorporated into the structures built as part of the Sunridge Properties Project. For more information on SMUD's move towards Leadership in Energy and Environmental Design Platinum Certified construction ideas go to: http://www.smud.org/en/residential/homeofthefuture/Pages/projects-rjwalter.aspx

Protection of Aquatic Resources

The area encompassed by the Proposed Project is rich in vernal pools and related aquatic resources. These vernal pool habitats contain a wide array of plants and animals, many of which have some level of protection under the federal and/or state endangered species acts.

Since at least 2002, EPA has worked collaboratively with USACE, the U.S. Fish and Wildlife Service (FWS), the California Department of Fish and Game (DFG), local governments, and landowners and potential developers to identify the most effective way to protect aquatic resources in the Proposed Project area, while also allowing for appropriate development. That effort led to development of the Conceptual Strategy, a large landscape framework for identifying and protecting resources of concern in the general Proposed Project area.

Consistent with the framework outlined in the Conceptual Strategy, and with the additional site-specific information developed in conjunction with the proposed Clean Water Act section 404 permits, the Proposed Project (Alternative 2) would construct 3,258 residential units, while preserving 153.6 acres of undeveloped wetlands. This would result in fill of 29.9 acres of waters of the U.S. (WUS). Alternative 2 would include compensatory mitigation in the form of 34 acres of created vernal pools and 53 acres of offsite preserved wetland area (DEIS: p.ES-2).

Recommendation:

- The FEIS should document progress in securing mitigation commitments and achieving the ecosystem goals in the created vernal pools.
- The FEIS should describe the safeguards that will be employed to assure that protected vernal pools are not adversely affected during the construction process.
- To compensate for unavoidable impacts to waters of the United States, mitigation must be in compliance with *Compensatory Mitigation for Losses of Aquatic Resources; Final Rule* dated April 10, 2008 (40 CFR Part 230).

For further assistance with issues pertaining to waters of the U.S., please continue to coordinate with Paul Jones, EPA Wetlands Office. Paul can be reached at (415) 972-3470, or by email at jones.paul@epa.gov.

Stormwater Management

The DEIS states that the project area is "dominated by seasonal stormwater run-off, (page 3.3-3)." Although the DEIS states that drainage and detention improvements would bring the project's impacts down to less than significant, EPA is concerned with potential impacts to water

resources due to substantial increases in impervious surfaces that could increase pollutant loading to surface waters and reduce infiltration rates, thereby resulting in diminished recharge of the local aquifer. EPA encourages stormwater management measures which infiltrate, evapotranspire, or harvest and reuse urban stormwater to reduce pollutant loads in the stormwater discharges and minimize changes in stream hydrology associated with urbanization. Such techniques are often referred to as Low Impact Development (LID) or green infrastructure. In addition to the water quality improvement and benefits for stream hydrology, numerous other benefits have been identified from LID, including increased groundwater recharge, air quality improvement, and reduced energy use.

Recommendation:

The FEIS should describe the benefits of LID, and include a commitment to maximize the use of LID throughout the project. For more information go to State Water Resources Control Board website: http://www.waterboards.ca.gov/water_issues/programs/low_impact_development/.

Water Supply

The DEIS states that the water supply source is "uncertain and under litigation" (page ES-11). The FEIS should describe existing and/or proposed sources of water supply for the Project, anticipated water demand from the Project, and direct, indirect, and cumulative impacts to water resources that may occur. Because the proposed Project could result in significant increases in water demands for an indefinite period of time, EPA strongly encourages including a discussion in the FEIS of all water conservation measures that will be implemented to reduce water demands for the proposed Project. The Project design should maximize conservation measures such as appropriate use of recycled water for landscaping and industry, xeric landscaping, a water pricing structure that accurately reflects the economic and environmental costs of water use, and water conservation education. An estimate of the water resource benefits that result from each mitigation and conservation measure proposed should be included in the FEIS. Water saving strategies can be found in the EPA's publications *Protecting Water Resources with Smart Growth* at www.epa.gov/piedpage/pdf/waterresources_with_sg.pdf, and *USEPA Water Conservation Guidelines* at www.epa.gov/watersense/docs/app_a508.pdf.

Climate Change

EPA commends the USACE for the attention given to the issue of climate change (page 3.16-2); however the FEIS should include measures to avoid, minimize, or mitigate the effects of climate change on the proposed project. The FEIS should also explore the extent to which climate change may alter the impacts of the proposed project on the environment. Scientific evidence supports the concern that continued increases in greenhouse gas emissions resulting from human activities will contribute to climate change. Effects on weather patterns, sea level, ocean acidification, chemical reaction rates, and precipitation rates can be expected. Such changes may affect the scope and intensity of impacts resulting from the proposed project.

Recommendations:

- Consider how climate change could affect the proposed project and the affected environment, specifically within sensitive areas, and assess how the impacts of the proposed project could be exacerbated by climate change.